

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

APRIL 17, 2007

#### CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Also in attendance were Executive Secretary Choe and Major Poindexter.

Lisa Goldner and Alex Intermill of Bose McKinney and Evans, Marc Carmichael of IBA, Mark Webb of ILBA, Richard Ford and Jeff McKean were present as observers.

#### DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the April 3, 2007 meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the April 17, 2007 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

DL82-21036 WAL-MART STORES EAST LP – Hearing Judge Choe submitted her Proposed Findings of Fact and Conclusions of Law with the recommendation that the Commission overturn the original denial of this permit because there was no substantial evidence to support the denial.

Commissioner Sturtz moved to table this matter due to new information regarding enforcement issues. Motion seconded by Commissioner Guthrie and it was unanimously approved.

RR02-02625 GIO'S, INC. – Hearing Judge Choe submitted her Proposed Findings of Fact and Conclusions of Law with the recommendation that the Commission overturn the original denial and approve the renewal of this permit because the permittee has taken steps to address the problems at the establishment. However, the Hearing Judge also stated this recommendation is conditional in that if any other ATC related violations occur that the permit will be immediately revoked.

Vice Chairman Johnson moved to uphold the Hearing Judge's recommendation and conditionally approve this permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

#### CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Four hundred twenty-nine (429) renewals approved, fifty-seven (57) new and/or transfer permits approved, nine (9) permits approved for catering, three (3) permits approved for first year escrow, eight (8) permits approved for second year escrow, two (2) permits approved for third year escrow and two (2) permits approved for fourth year escrow.

## **RENEWAL LETTERS AND WAIVER OF FEES**

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

## **APPLICATIONS FOR DISCUSSION**

RR46-94082 NEW GRAPEVINE, INC. – Chairman Heath noted this is a type 209 renewal application with the local board voting two (2) to two (2).

Commissioner Guthrie stated the remonstrance appears to only be with regard to zoning issues that can be battled out between the parties in court.

Commissioner Guthrie moved to approve the renewal of this permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR02-19566 PL HUDSON, INC., d/b/a SOUTHVIEW TAP – Chairman Heath noted this is a type 112 renewal application with the local board voting four (4) to zero (0) to disapprove.

The local board recommended denial based on lack of character and reputation in the community due to violations.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL20-22974 ERIKA GOMEZ, d/b/a DOLLAR STORE – Chairman Heath noted this is a new type 115 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR41-92093 JFS PUB, INC., d/b/a STEW'S BAR AND GRILL – Chairman Heath noted this is a type 209 transfer of location with the local board voting three (3) to zero (0) to disapprove.

The local board recommended denial due to lack of desire in the local community for the services of this permit.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the transfer. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

### **INACTIVE FILES**

Vice Chairman Johnson moved to make fifteen (15) permits inactive. One (1) permit is subject to auction and fourteen (14) permits are not subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **OLD BUSINESS**

RR84-05940 G & R VIGO ASSOC., LLC – Commissioner Guthrie stated this permit was made inactive in November 2006. The permit had been in escrow for more than eight years. The Commissioner said there were no matters to vote on regarding this permit. It will remain inactive.

RR84-01141 G & R VIGO ASSOC., LLC – Commissioner Guthrie stated this permit was made inactive in error. There was still escrow time that was previously granted to this permittee available.

Commissioner Guthrie moved to reactivate this permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **NEW BUSINESS**

ATTORNEY GENERAL OPINION – Chairman Heath noted the Commission received an official opinion from the Attorney General regarding permit #RR49-22980 Harry & Izzy's Circle Centre, LLC. It will be put in the file.

## **POLICY DETERMINATIONS**

No Policy Determinations

## **ANNOUNCEMENTS**

No Announcements

## **ADJOURNMENT**

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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DAVE HEATH, CHAIRMAN

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DAVID JOHNSON, VICE CHAIR

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DALE STURTZ, COMMISSIONER

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FRANK GUTHRIE, COMMISSIONER